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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,694	08/31/2001	Matthew Gast	NC30561	2124

7590

11/01/2005

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EXAMINER

HA, LEYNNA A

ART UNIT PAPER NUMBER

2135

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/944,694	Applicant(s) GAST, MATTHEW	
	Examiner LEYNNA T. HA	Art Unit 2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-18 has been re-examined and remains rejected.
2. This is a Final rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. **Claims 1-2 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.**

Claims 1-2 contains new subject matter, stating "at least a portion of at least some of the network protocol packets being configured in accordance with a transport layer protocol or a network layer protocol". Specification originally filed fails to explain or describe this new limitation. Therefore, this constitutes new subject matter being introduced at this time.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Binding, et al. (US 6,775,772).

As per claim 1:

Binding, et al. discloses a method for providing network security, comprising the steps of:

receiving a plurality of network protocol packets, wherein a network protocol packet **(col.8, lines 39-67)** includes a network protocol header and a plurality of network protocol data, and wherein the network protocol data include a first cryptographic protocol header and a first plurality of encrypted data; **(col.12, lines 42-43)**

determining a first plurality of cryptographic protocol rules associated with the network protocol data; **(col.15, lines 11-28)**

establishing a cryptographic session, if required by said first cryptographic rules; **(col.15, lines 59-61)**

applying the first plurality of cryptographic protocol rules to the first encrypted data to obtain a first plurality of cleartext data; **(col.15, lines 45-46)**

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translating the first plurality of cleartext data into a second plurality of cleartext data in accordance with at least one translation rule; and **(col.15, lines 52-59)**

encrypting the second plurality of cleartext data in accordance with at least one rule associated with a second cryptographic protocol, resulting in a second plurality of encrypted data. **(col.16, lines 6-10)**

As per claim 2:

Binding, et al. discloses a system for providing network security, comprising:

an input module for receiving a plurality of network protocol packets;

(col.8, lines 39-67)

a translation module for translating a first plurality of data into a second plurality of data; **(col.9, lines 3-5)**

an output module; and **(col.11, lines 54-65)**

a cryptographic module responsive to the input module and the output module for performing cryptographic operations. **(col.12, lines 5-20)**

As per claim 3:

Binding, et al. discloses a system for providing network security, comprising:

means for receiving a request to perform a cryptographic operation;

(col.18, lines 19-27)

means for returning a response to the cryptographic operation request;

(col.18, lines 37-54)

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means for translating a first plurality of cleartext data into a second plurality of cleartext data in accordance with at least one translation rule; and

(col.15, lines 45-53 and col.17, lines 35-47)

at least one module for performing said cryptographic operations, said cryptographic operations including obtaining the first plurality of cleartext data based upon a first plurality of encrypted data **(col. 9, lines 4-11)**, and encrypting the second plurality of cleartext data to obtain a second plurality of encrypted data. **(col.19, lines 7-13)**

As per claim 4: See col.15, lines 61-62; discussing at least one translation rule is predetermined.

As per claim 5: See col.15, lines 14-15; discussing at least one translation rule is determined dynamically.

As per claim 6: See col.3, lines 5-7; discussing the first cryptographic protocol is WTLS.

As per claim 7: See col.4, lines 61-67; discussing the first plurality of encrypted data is associated with WML.

As per claim 8: See col.4, lines 61-67; discussing second plurality of encrypted data is associated with HTML.

As per claim 9: See col.9, lines 10-14; discussing the second cryptographic protocol is SSL over HTTP.

As per claim 10: See col.16, lines 3-4; discussing the first cryptographic protocol and the second cryptographic protocol are identical.

As per claim 11: See col.16, lines 3-4; discussing the first plurality of

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encrypted data and the second plurality of encrypted data conform to different revisions of a specification for the same cryptographic protocol.

As per claim 12: See col.9, lines 64-65; discussing at least one cryptographic module is a cryptographically strong pseudorandom number generator.

As per claim 13: See col.7, lines 1-10; discussing the cryptographic operations are performed using cryptographic acceleration hardware.

As per claim 14: See col.11, lines 29-35; discussing the cryptographic acceleration hardware includes a plurality of individual hardware acceleration units.

As per claim 15: See col.11, lines 29-35; discussing at least one individual hardware acceleration unit is dedicated to one function.

As per claim 16: See col.10, lines 5-10; discussing the cryptographic acceleration hardware is updateable by loading at least one cryptographically signed instruction.

As per claim 17: See col.12, lines 46-53; discussing the cryptographic acceleration hardware is tamper-resistant.

As per claim 18: See col.12, lines 46-53; discussing the cryptographic acceleration hardware is tamper-evident.

Response to Arguments

5. Applicant's arguments filed 8/16/2005 have been fully considered but they are not persuasive.

The examiner finds the amended claims 1-2 includes new limitation of "at least a portion of at least some of the network protocol packets being configured in accordance with a transport layer protocol or a network layer protocol" because this new subject matter was not disclosed in the originally file specification.

6. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., translating WML data into HTML data) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant argues Binding fails to disclose translating the first plurality of cleartext which by applicant's example is WML data into a second of plurality of cleartext data (applicant example) which is HTML data. The examiner disagrees with the argument because applicant broadly claims translating the first plurality of cleartext into a second of plurality of cleartext data which does not claim translating the WML data

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into HTML data. So any form of decoding encrypted data being translated or in Binding being re-encrypted and then decoding that first decoded re-encrypted data to the second decoded data according to its parameters meets the amended limitation of claim 3.

Conclusion

7. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEYNNA T. HA

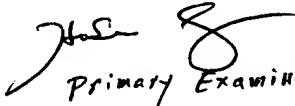
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whose telephone number is (571) 272-3851. The examiner can normally be reached on Monday - Thursday (7:00 - 5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LHa


Primary Examiner
Art Unit 2135